The Bill of Rights

Overview
Students will gain an understanding of the rights guaranteed to citizens in the Bill of Rights, the modern controversies that can arise from such rights, as well as the importance and relevance of the Bill of Rights to every individual by examining and discussing scenarios that involve rights violations in small groups. Students will then stage their assigned scenario into a dramatic scene that they perform for the remainder of class. Students will also explore how court cases such as *Tinker v. Des Moines School District* and *Texas v. Johnson* illustrate the protections the Bill of Rights guarantees.

Grades
10-11

NC Essential Standards for American History: the Founding Principles, Civics & Economics
- FP.C&G.1.3 - Evaluate how debates on power and authority between Federalists and Anti-Federalists have helped shape government in the United States over time (e.g., Hamilton, Jefferson, Madison, Federalist Papers, strong central government, protection of individual rights, Elastic Clause, Bill of Rights, etc.)
- FP.C&G.1.4 - Analyze the principles and ideals underlying American democracy in terms of how they promote freedom (i.e. separation of powers, rule of law, limited government, democracy, consent of the governed / individual rights –life, liberty, pursuit of happiness, self-government, representative democracy, equal opportunity, equal protection under the law, diversity, patriotism, etc.)
- FP.C&G.2.3 - Evaluate the U.S. Constitution as a “living Constitution” in terms of how the words in the Constitution and Bill of Rights have been interpreted and applied throughout their existence (e.g., precedents, rule of law, Stare decisis, judicial review, supremacy, equal protections, “establishment clause”, symbolic speech, due process, right to privacy, etc.)
- FP.C&G.2.6 - Evaluate the authority federal, state and local governments have over individuals’ rights and privileges (e.g., Bill of Rights, Delegated Powers, Reserved Powers, Concurrent Powers, Pardons, Writ of habeas corpus, Judicial Process, states’ rights, Patriot Act, etc.)
- FP.C&G.3.8 - Evaluate the rights of individuals in terms of how well those rights have been upheld by democratic government in the United States.

North Carolina Essential Standards for American History I
- AH1.H.2.2 - Evaluate key turning points from colonization through Reconstruction in terms of their lasting impact (e.g., conflicts, legislation, elections, innovations, leadership, movements, Supreme Court decisions, etc.).
- AH1.H.4.1 - Analyze the political issues and conflicts that impacted the United States through Reconstruction and the compromises that resulted (e.g., American Revolution, Constitutional Convention, Bill of Rights, development of political parties, nullification, slavery, states’ rights, Civil War)
- AH1.H.5.1 - Summarize how the philosophical, ideological and/or religious views on freedom and equality contributed to the development of American political and economic systems through Reconstruction (e.g., natural rights, First Great Awakening, Declaration of Independence, transcendentalism, suffrage, abolition, “slavery as a peculiar institution”, etc)

Essential Questions
- What is the primary purpose of the United States Constitution and the Bill of Rights?
- Why did several states refuse to ratify the constitution without the addition of the Bill of Rights?
- How did North Carolina Federalists and Anti-Federalists view the United States Constitution in 1788?
- What consequences might we face if we are unaware of the Bill of Rights?
• As effective citizens, what responsibilities do we have (individually and as a community) to ensure our rights?
• How did US Supreme Court cases such as Tinker v. Des Moines and Texas v. Johnson demonstrate the protections granted under the Bill of Rights?

Materials
• Rights brainstorm worksheet, attached
• The Bill of Rights worksheet, attached
• Copy of the Bill of Rights, attached
• Bill of Rights Scenarios, attached
• Bill of Rights Political Cartoon, attached
• Image of Mary Beth and John Tinker, attached
• Picture of a Burning Flag, attached

Optional Materials
• Resource person, such as a lawyer or police officer
  ▪ A resource person with legal knowledge can not only provides valued assistance and expertise in explaining the material to students and answering their questions, but this also gives your students a chance to interact with and learn from a law official. If choosing to invite a resource person, it is recommended that teachers contact the person a few weeks in advance of this lesson to explain the activity and to ask for assistance in guiding the students regarding various legality issues based on the Bill of Rights. (It is important this person does not come to give a “speech,” but rather is prepared to engage with the students as they work on and present the role plays). After making an initial contact, follow up with an e-mail including the date, time, location, parking arrangements, school procedures for guests, and a complete set of materials for the activity.
• Bill of Rights Jeopardy Power Point game, available in the Database of K-12 Resources:
  o http://civics.sites.unc.edu/files/2012/10/BillofRightsPPT.ppt
  o Some school district’s settings will not allow Power Point files to open; if you are unable to access the PPT file, send a request via e-mail to CarolinaK12@unc.edu
• Bill of Rights Hypothetical’s, worksheet and answer key attached
• Bill of Rights Socratic Seminar, attached
• Sample Test Questions & Answer Key, attached

Duration
60-90 minutes (time varies depending on how in depth student discussion is)

Procedures

Rights?
1. As a warm-up, have students brainstorm the word “rights” in small groups. Encourage students to explore all aspects of the word that comes to mind. After approximately 3-4 minutes of brainstorming, instruct each group to create a definition, such as “that which is due to anyone by just claim, moral principles, etc.” Have a spokesperson from each group share their definition and discuss:
   • What similarities did our definitions have?
   • What rights are granted to you as a citizen of the United States?
   • What is the difference in a right and a responsibility? Note examples.
   • Do you feel all people have equal access to these given rights? Explain.
   • Describe a time when you felt that one of your rights was violated. Describe your feelings and response to the situation. Explain ways you could have handled it differently.
   • What current events or events in recent history can you think of that relate to rights, or the denial thereof?
2. Explain to students that in this lesson, they will explore the first ten amendments to the United States Constitution, called the Bill of Rights. Remind students that the United States Constitution was not immediately approved, due to a group of people called Anti-Federalists, who believed that the central government had too much power in the new constitution and it lacked a bill of rights protecting the liberty of individual citizens. While 11 states had approved the new constitution by July of 1788, two states still rejected it: North Carolina and Rhode Island. Briefly discuss:
   • Considering the perspectives during colonial times, why do you think Anti-Federalists felt the way they did?
   • How did the addition of the Bill of Rights convince North Carolina to become the 12th state to ratify the constitution in 1789?

3. Inform the class that they will research these rights, and then participate in an experiential exercise in which they learn how this document applies to their own individual lives today, even though it was created over 200 years ago.

4. Either individually or with a learning partner, students should read a copy of the Bill of Rights, noting each amendment and what rights it grants to citizens. Students may chart their answers using the attached worksheet. Make sure students are aware that accuracy in their answers is crucial to be able to participate in the next activity. Upon completion, briefly go over answers as a class to ensure a basic familiarity with the information.

5. In review, project the “Bill of Rights political cartoon” (attached) asking students to discuss:
   • What do you see? (Students should simply point out all symbols, characters, objects, text, etc. that they notice. Try to keep them from jumping to interpretation until all pieces of the cartoon are pointed out.)
   • What do you think? What message is the artist trying to convey? What do the symbols represent?
   • What techniques has the artist used and why? (exaggeration, caricatures, humor, sarcasm, etc.)
   • Which of the ten amendments does this political cartoon address?

   Discussing and Role Playing Scenarios Involving the Bill of Rights

6. Explain that students will be participating in an experiential exercise in which they will learn how the Bill of Rights is relevant to their lives. The teacher should:
   • Review your expectations for group work and place students into small groups of around 5. Provide students with one of the attached scenarios that involves the Bill of Rights. (Nine scenarios are attached that address the First, Second, Fourth, Fifth, and Sixth Amendments. Teachers should feel free to create additional scenarios as they see fit.)
   • Assign a student in each group to be the Facilitator and another to be Director.
   • After students read the scenario together, the Facilitator should lead the group through discussing each of the questions provided at the end of the scenario.
   • Next, the Director should lead the group in developing the scenario into a short (3-4 min.) theatrical scene which they will present to the class. Final scenes should convey the important facts/details of the scenario in a clear and realistic way. (Make sure that students understand the goal is to be realistic and focused, not to be humorous.) Also, explicitly explain to students that they should not state which amendment their scenario addresses. Rather, it will be up to the audience to guess after the performance.
   • If a Resource Person is joining your class for assistance, introduce that person to the class and explain that he/she will be available for legal advice as students create and present their scenes.
   • Teachers should circulate throughout the time allocated for discussion and scene preparation to ensure students are on the right track. Give time warnings so that students can work accordingly.

7. Once all partners/groups are ready to present, the teacher should:
• Review expectations for being a respectful audience member.
• Explain that each scene will be presented, and the classroom’s job as the audience is to pay close attention and figure out which right they believe has been violated. After each scene is presented, stop and discuss the scene, allowing students to state their ideas, noting the number of the amendment that they believe was violated and its description.
• If a resource person is visiting, allow him/her to discuss the reality of the scene and legality issues with the class. Students should be permitted to ask related questions also.
• Use the various scenes as conversation starters that link to current events or Supreme Court cases.
• Once students have discovered the right answer, you can also ask them to think about effective ways to advocate for the violated right in the scene. One option is to instruct the original actors to replay the scene. As they do, class members can yell “FREEZE” at the point they think the protagonist could do something to advocate better for their rights, at which point the actors should stop exactly where they are. The audience member can then take the place of the victim in the scene and play out options for dealing with the situation and advocating for their rights. (This works particularly well with the Fourth Amendment scenario.) While the teacher should allow for experimentation with various tactics, it is important to discuss the replay choices students make and whether they are sound, civically minded choices, or choices that may lead to further consequences. If a resource person is available he/she will be good to weigh in on this as well.

8. After the presentation and discussion of scenes, students should reflect (these questions can be discussed as a class or completed as a written response):
   • Why is the Bill of Rights important to you as an individual and as a society?
   • What consequences might we face if we are unaware of the Bill of Rights?
   • What responsibilities do we have (individually and as a community) to ensure our rights are not violated?
   • Why was the Bill of Rights added to the Constitution? Why did several states refuse to ratify the Constitution without its addition? Do you agree with their refusal? Explain.

   The US Supreme Court and the Bill of Rights

9. Ask students to brainstorm any current events and/or court cases, locally and nationally, which involve a person’s rights or the violation thereof. Use this opportunity to discuss landmark Supreme Court cases that have involved the Bill of Rights, such as Tinker v. Des Moines Independent Community School District, Texas v. Johnson. For example:

   • Tinker v. Des Moines Independent Community School District: Entice student interest by telling them something similar to the following scenario, as if it is true for your school. (Really work to make the scenario believable!):
     o No one has mentioned what happened here in our school yet. Does anyone know what just happened last month? (Likely, you will be met by blank stares.) No one heard about the seniors and the arm bands? There were 10 seniors who wanted to show that they don’t agree with the war in Iraq and they all came to school in black arm bands as a form of silent protest, to mourn the death of the 3,000+ American soldiers killed in Iraq. None of you know about this? I’m probably not supposed to tell you...I only know about it because we heard about it in our faculty meeting. All ten seniors were suspended! (Allow students to ask questions, answering them with whatever realistic responses you make up.) They were suspended because the principal was afraid that other students would join in and he thinks we should be supporting President Bush. I can’t believe none of you heard about this! We were told in our faculty meeting to send anyone to the office that came to school wearing a black arm band...
     o Discuss the school’s decision with students, letting them express their honest opinions about what they think of the situation. Hopefully a student will refer to the First Amendment and that the student’s suspensions violate their right to freedom of speech. Ask students what they believe the students who were suspended should do and how they feel about the principal who made this decision.
Finally, project that attached image of Mary Beth and John Tinker and let students know that the scenario you have explained to them did not actually happen at their school, but that it did happen in 1965 at a Des Moines school. Assign a reading (for homework if needed) about Tinker v. Des Moines Independent Community School District, such as page 108 of Glencoe’s Civics Today or from http://www.landmarkcases.org/. Either in discussion or in writing, ask students to respond to:

- How would you characterize Mary Beth Tinker, Christopher Eckhardt, and John Tinker? What is your opinion of their choice to wear armbands to school? How do you feel about the principal and school board’s decision to suspend them?
- Why did the Supreme Court declare that the suspensions were unconstitutional?
- Do you agree or disagree with the Supreme Court’s ruling in Tinker v. Des Moines and why?
- Do you think something like this could happen today? Explain.

- **Texas v. Johnson:** Project an image of a burning flag. As students examine the projected image, ask:
  - What do you see here? Is a law being broken?
  - Which of the first ten amendments might this picture connect to? (In the case of the flag photo, Amendment 1 protects this as freedom of speech.)
  - Why might someone choose to make a statement such as this? How might someone of the opposite opinion civically respond?
  - What are our responsibilities in terms of our rights?
  - Explain to students that whether or not burning a flag should be protected under our First Amendment rights is a topic that has been debated within Congress and ruled upon by the U.S. Supreme Court many times. In 1989, the U.S. Supreme Court decided in favor of the rights of Gregory Johnson (Texas v. Johnson), who had been arrested for burning a U.S. flag. The Supreme Court ruled that burning a flag is an act protected by our First Amendment right to free speech. However, in response to this the U.S. Congress attempted to pass an amendment to the U.S. Constitution, granting the states the right to pass laws against flag burning. The Flag Protection Act of 1989 was the GOP’s first attempt to overturn Texas v. Johnson.

10. As a homework assignment, assign the attached Bill of Rights Hypothetical’s worksheet or test questions.

**Additional Activities**

- Play Bill of Rights Jeopardy; the PPT can be accessed in the Database of K-12Resources, or contact CarolianK12@unc.edu to have the file e-mailed
- Have students rank the top five amendments they feel are most important. Ask students to write reasons for each decision and to support their choice by citing current relevant examples. Have students present their ideas to the class, keeping a tally on how many times each amendment is chosen.
- Place students into small groups and tell them they are a new democratic county and that they must create a Bill of Rights for their country. Instruct students to create at least 10 rights for their citizens.
- Lead the attached Socratic seminar on the Bill of Rights.

**Resources**

- Bill of Rights Institute: http://www.billofrightsinstitute.org
- Constitution Center: http://www.constitutioncenter.org
- Landmark Supreme Court Cases: http://www.landmarkcases.org/
The Bill of Rights

Amendment I
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II
A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III
No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.
Name: ____________________________

The Bill of Rights

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After completing this worksheet and learning about the first 10 Amendments, which do you think is most important and why?
Steve Stein is a junior at Rutherford High School. He was born in Israel and lately he’s decided to identify more with his roots. Last week, Steve decided to start wearing a yarmulke (a Jewish head covering) that his mother knitted for him. When Principal Peterson saw Steve wearing the yarmulke in class, he told Steve to immediately remove his “hat.” Steve told the principal that he was wearing a yarmulke made by his mother and that the principal should call her.

Principal Peterson called Steve’s parents, threatening Steve with suspension for not removing the hat since the school’s policy clearly stated hats could not be worn in the building. Steve’s mother explained that he was wearing the yarmulke due to his faith and culture, but the principal refused to budge. He explained that allowing an exception for Steve would result in problems. Not only would other students see this as unfair, they would start making up excuses to wear hats also. Steve’s mother pushed back, explaining that they were not asking for an “exception.” They were asking that their son be able to wear his yarmulke, which was not a “hat.” Finally, the principal said he might consider not suspending Steve if his parents would provide a letter of verification by Monday from their Rabbi. Steve’s mother saw no other choice but to agree, even though she felt this was an unfair request.

The Steins had their Rabbi write a letter to the principal. In the letter the Rabbi said: “This letter is to verify that the Steins are a practicing Jewish family who attend services and wearing the yarmulke is an important part of our tradition. I ask you, in the spirit of religious acceptance, to allow Steve to wear his yarmulke in the school. The yarmulke demonstrates a sense of pride in who we are and a modesty in humbling one’s self before God. I do not understand why this is an issue. I have not had problems with this at other schools.”

After receiving the letter, the principal called Steve’s mother and explained the verification requirement by saying that “because our students are not allowed to wear hats and other head gear at school, students are asked for verification when their religious headwear is not traditional headwear that we are accustomed to seeing.” He told her he need a few days to make a decision and that he would be in touch.

**DISCUSSION QUESTIONS**

- What amendment does this scenario address and what makes you think this?
- Explain your understanding of the First Amendment. In what way was Steve’s First Amendment right violated?
- Was it unconstitutional for Principal Peterson to tell Steve to remove his hat? Why or why not?
- Was it unconstitutional for Principal Peterson to require verification? Why or why not?
- Are there any circumstances under which Principal Peterson’s actions would be considered legal?
- What systems does our country have in place to ensure that scenarios like what happened to Steve don’t happen or are addressed if they do happen? Do you feel these systems are effective? Explain.
- What would you recommend Steve and his parents do next?
- Why is it important for you to understand the rule of law and the rights afforded to you?
- What consequences might we face if we are unaware of the Bill of Rights?
Andrew is a high school senior who has strong political opinions. He identifies himself with the “Occupy Wall Street” movement. He really wants to spend a weekend traveling to New York City to join the Occupy Wall Street protestors, but his parents will not let him because they are concerned the protests there could turn violent. Andrew looks for a way that he can get involved in the “Occupy” movement in his local community.

Andrew decides that holding a local protest is the best way to support the Occupy movement. He contacts the city, fills out an application for a permit to hold a protest, and receives permission to host his event in City Park on Friday evening at 5 PM.

Next, Andrew sends out a Facebook invite to some like-minded friends inviting them to “Occupy Main Street,” a “non-violent protest” on Friday at 5 PM. The invitation is clear that the protest will be a peaceful gathering that will involve public discussion about “what is wrong with the system.” He encourages students to make protest signs, but “with no profanity.” The Facebook invite adds that “anyone who is going to get out of control needs to stay home.”

By Tuesday morning, it seems like the entire school is talking about Andrew’s Occupy Main Street movement. The school’s principal, Ms. Hall, overhears students talking about it in the hallways. She feels strongly that the Occupy Wall Street movement is “nothing but a bunch of hippies who need to spend less time protesting and more time getting a job,” and is very much against Andrew’s concept of an Occupy Main Street movement. Frustrated with Andrew’s plan, Principal Hall pulls Andrew out of class and into her office. She tells Andrew that if the Occupy Main Street protest takes place on Friday evening, she will suspend Andrew for a week for “disrupting the school environment” since students have been talking about it.

Once again, Andrew is deflated. Fearing the consequences, he tells Principal Hall that he will not go through with the protest. Andrew goes home that night and tells everyone on Facebook that the Occupy Main Street protest is cancelled.

**DISCUSSION QUESTIONS**

- What Amendment do you think this scenario addresses and why?
- Explain your understanding of the First Amendment. Was Andrew’s First Amendment right violated? Explain.
- Why was it unconstitutional for Principal Hall to threaten Andrew?
- Under what circumstances might Principal Hall’s warning of suspension have been legal?
- What could Andrew have done differently to try and advocate for his rights?
- What systems does our country have in place to ensure that scenarios like what happened to Andrew don’t happen or are addressed if they do happen? Do you feel these systems are effective? Explain.
- Why is it important for you to understand the rule of law and the rights afforded to you?
- What consequences might we face if we are unaware of the Bill of Rights?
LaTonya is a bright student who writes a monthly opinion column for the *Daily Agitator*, the student paper at City of Oaks High School. Because she is such a busy student and journalist, she typically purchases a soda and a candy bar from the school’s vending machines at the end of the day to help her keep her energy up.

Recently, the school announced plans to remove all sugary drinks and junk foods from the school’s vending machines as part of an initiative to reduce the number of overweight students. LaTonya can’t believe this, and immediately goes to work on an opinion article for the *Agitator* denouncing the plans.

Her final article pointed out that there were no more overweight students at Oaks High than anywhere else, and no one was forcing students to purchase soft drinks or candy bars if they did not want to do so. The article accurately cited a recent study of teens that had found no statistical connection between the number of overweight students and the availability of junk food at the school. The last sentence of the article stated that if the school really wanted to make a dent in a supposed weight problem at City of Oaks High, the first step should be to take away the refrigerator from the faculty lounge.

The high school policy states that the school believes in the right of students to freely express their opinions in the school newspaper, but that the school reserves the right to reject or require changes to articles if there is a reasonable educational reason for doing so and the content would cause a substantial disruption to the educational process. Mrs. Hinkman, the faculty advisor for the paper, reviews the article and initially tells LaTonya that while she disagrees with her opinion, the article is a legitimate subject for debate and can be published. She does however tell her to remove the final sentence on grounds that it is unreasonably provocative. LaTonya is not happy with this change, but she accepts it and removes the sentence.

However, when a draft of the newspaper that included LaTonya’s article is given to Principal Tucker, he becomes very angry. Principal Tucker believes that soft drinks and junk foods degrade the educational environment at the school and makes the students “hyper.” He immediately calls the faculty advisor and urges her to remove the article from the newspaper. Mrs. Hinkman, who was been hired just one month before and is afraid to challenge the principal, relents. The article is never published.

**DISCUSSION QUESTIONS**

- What Amendment do you think this scenario addresses and why?
- Explain your understanding of the First Amendment.
- Were LaTonya’s rights violated by the decision of the school to refuse to publish her article? Explain.
- In what type of scenario would Principal Tucker’s refusal to print the article be constitutional? (What if LaTonya’s article had called upon students to skip school as a protest until the junk food and soft drink vending machines were returned – would it be alright for Principal Tucker to pull the article in this case? Explain.)
- Principal Tucker’s point of view was that students are free to eat and drink junk food while they are at home but while at school they should be offered more healthy options. What means might he have used to advance this position other than censoring LaTonya’s article?
- Was it appropriate for Mrs. Hinkman to require LaTonya to remove the sentence suggesting that refrigerators should be removed from the faculty lounge? Why or why not?
- Why is it important for you to understand the rule of law and the rights afforded to you?
- What consequences might we face if we are unaware of the Bill of Rights?
Jasmine’s family recently moved to Raleigh, North Carolina from Idaho after her father was promoted. Knowing that his new job would require him to travel extensively and be away from home for weeks at a time, Jasmine’s father purchased a .45 caliber pistol from a gun shop in Idaho, where purchasing handguns is legal.

At the time he purchased the handgun in Idaho, Jasmine’s father was not aware of Raleigh laws. In fact, right before Jasmine’s family moved, the City of Raleigh had adopted a City Ordinance that provided “no person shall possess any firearm unless such person is the holder of a valid registration certificate for such firearm”. The City Ordinance also specifically prohibited registration of most handguns. The City Ordinance provided, “it is unlawful for any person to possess any firearm that can be characterized as a pistol, revolver, small arm or any other weapon commonly known as a handgun.” In essence, the Raleigh City Ordinance banned handgun possession by all private citizens in Raleigh.

Shortly after arriving in Raleigh, Jasmine’s father was called out of state for a two-day business meeting, and Jasmine and her mother were alone in the family’s new home. On the second night of Jasmine’s father’s trip, her mother was awakened by the sound of breaking glass. She immediately located the .45 caliber pistol kept in the nightstand beside of her bed. She proceeded down the stairs informing any potential intruder that she was “ready to use this handgun in defense of her children and home.” A burglar ran out the back door having taken nothing from the home. Jasmine’s mother placed the pistol on the kitchen table, called 911, and then ran upstairs to verify that Jasmine was okay.

Minutes later, two officers from the Raleigh Police Department arrived at Jasmine’s home. During the course of the investigation of the crime scene, one of the officers noticed the handgun on the table. He asked Jasmine’s mother about the gun, and she indicated that her husband purchased the gun for protection of the home. When asked about her knowledge of the Raleigh City Ordinance essentially banning all handguns, she told the officer of the family’s recent move to Raleigh and that they were unfamiliar with the law.

The Raleigh Police Officer then charged Jasmine’s mother with the unlawful possession of a handgun.

DISCUSSION QUESTIONS

- Which amendment does this scenario address and what makes you think this?
- The Second Amendment to the United States Constitution reads: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Explain your understanding of the Second Amendment.
- Was the arrest of Jasmine’s mother unconstitutional? Why or why not?
- Why do you think the right to bear arms was included in the Bill of Rights? What entity were the framers of the U.S. Constitution concerned about possibly infringing on the citizens’ right to bear arms?
- Is the Second Amendment right to bear arms absolute? Do you think federal and state governments have the ability to regulate gun possession? Why or why not?
- What systems does our country have in place to ensure that an individual’s rights are not violated? Do you feel these systems are effective? Explain.
- Why is it important for you to understand the rule of law and the rights afforded to you?
- What consequences might we face if we are unaware of the Bill of Rights?
Bill of Rights Scenarios
FOURTH AMENDMENT

Jeff is at home watching TV when there is a knock at his apartment door. He cracks the door just enough to see two police officers standing outside. They step forward and explain that they “have a feeling” that Jeff’s sister, Maria Simpson, robbed a local bank and hid the money in Jeff’s apartment. The police tell Jeff that they need to search his home.

Jeff explains through the crack in the door that he doesn’t have a sister and that there is no stolen money anywhere on the premises. He explains that he is busy and doesn’t really have time for this. Besides, he feels that since he’s done nothing wrong he shouldn’t have to waste his time with this. He tells the officers that he’d wants to get back to his favorite television show before he misses the end of it.

As Jeff goes to shut the door, one of the officers puts her foot in the door to keep it from closing. She tells Jeff that they can come in regardless of what he says – they are “the law,” after all. This makes Jeff nervous, so he steps back a bit and while thinking about what to do, the officers push the door open a little further and tell Jeff that things will be much better for him if he goes ahead and moves aside.

Jeff is confused and continues to hesitate at the door. Finally, the police officers push past him and into the apartment. They begin to go through all of his things, dumping drawers on the floor, overturning cushions and furniture, etc. “Just let us look around for a bit – it’s better for you this way,” they tell him. “You’re doing the right thing.”

Jeff doesn’t know what to do so he just plops down on the sofa frustrated, missing the final minutes of his show. After around 30 minutes, they leave with a few boxes from his closet.

DISCUSSION QUESTIONS

• What Amendment do you think this scenario addresses and why?
• Explain your understanding of the Fourth Amendment. Was Jeff’s Fourth Amendment right violated? How so?
• Why was it unconstitutional for the officers to enter Jeff’s home?
• Are there any circumstances under which this search would have been legal?
• What could Jeff have done differently to try and advocate for his rights?
• Why is it important for you to understand the rule of law and the rights afforded to you?
• What consequences might we face if we are unaware of the Bill of Rights?
Bill of Rights Scenarios

FIFTH AMENDMENT
(Eminent Domain)

Amara is an 18-year old high school senior who lives with her parents. Her parents emigrated to North Carolina from the country of Angola when Amara was a young child. Amara has thus grown up speaking English, but her parents do not speak English very well. A few years ago, Amara’s family was fortunate to have made the last mortgage payment on their family home, a beautiful place in the mountains of western North Carolina.

One Saturday afternoon, Amara sees an official-looking government notice on the family’s breakfast table. Amara asks her father what the notice is about, and her father replies that he does not know. While he was able to understand most of the words on the notice, he could not understand enough of the legal jargon to comprehend what the notice was about. Amara’s father explains that he had gotten the notice a few months ago and had been meaning to ask her about it, but had forgotten because he had been very busy at work.

Amara reads the notice, which explained – in terms very difficult for even the best English speaker to understand – that the State of North Carolina was planning to build a new set of roads in the area. According to the notice, the plan for the roads would require condemning Amara’s family’s house – in other words, bulldozing their house so that the roads could be built on their land. The notice did not mention anything about the State giving Amara’s family any money in return for condemning their property. Amara explains all of this to her parents, who naturally become distraught.

Amara does some research online, and comes to the conclusion that the State could probably take their home, but at the very least, the State will have to pay them for it. Amara tells her parents what she finds, and Amara’s mother calls the North Carolina Department of Transportation to ask about being compensated for their property. Amara’s mother is told by a State official that the State would be condemning their house, would not pay them for it, and that it was “too bad” that they did not understand the English “legalese” on the notice.

DISCUSSION QUESTIONS

• What amendment does this scenario address and what makes you think this?
• Explain your understanding of the Fifth Amendment.
• When most people think of the Fifth Amendment, they think about “pleading the Fifth.” What other important rights are set out in the Fifth Amendment concerning property?
• Why was it unconstitutional for the State to take Amara’s family’s property without just compensation?
• Under what circumstances might the State’s action have been legal?
• Do you think language barriers played a role in the violation of Fifth Amendment rights in the scenario above? Explain.
• What should Amara and her family do next to advocate for their rights?
• What systems does our country have in place to ensure that scenarios like what happened to Amara don’t happen or are addressed if they do happen? Do you feel these systems are effective? Explain.
• Why is it important for you to understand the rule of law and the rights afforded to you?
• What consequences might we face if we are unaware of the Bill of Rights?
Bill of Rights Scenarios
FIFTH AMENDMENT
(Self Incrimination)

Joe is a sixteen-year old high school sophomore who has been having a tough year. He has not been interested in school, has fallen in with a dangerous crowd, and has recently been getting in trouble both at home and at school.

On one weekend, Joe’s friends decide it would be “funny” to go to the rival high school’s football field and vandalize everything in sight. Joe is reluctant to go along with the plan, but after getting pressured non-stop from his friends, he finally agrees.

Joe’s friends drive them to the rival high school. There, they spray-paint the goal posts, dig holes in the turf, and smash the stands and concession bar with baseball bats. In less than 30 minutes, Joe and his friends do thousands of dollars of damage to public property. As Joe and his friends get back in their car, Joe sees blue lights behind them. It’s the police.

Joe and his friends are arrested, handcuffed, and lined up beside the police car while the police take down their identifying information. Once they have been identified, an officer walks Joe away from his friends to question him.

Joe’s friends are read their Miranda rights: “You have the right to remain silent. Anything you say or do can and will be held against you in a court of law. You have the right to speak to an attorney. If you cannot afford an attorney, one will be appointed for you. Do you understand these rights as they have been read to you?” Having had their rights explained to them, Joe’s friends emphatically say that they wish to remain silent and speak to an attorney.

40 yards away, however, the police officer assigned to Joe does not read him his Miranda rights. As a sixteen-year old, Joe has no idea that he doesn’t have to talk to the police, that his statements can be used against him, and that he has a right to an attorney. Taking advantage of Joe’s age and lack of knowledge about his rights, the police officer assigned to Joe begins threatening him – even threatening his family – saying that he “knows” Joe was the mastermind behind the vandalism, and that if Joe doesn’t confess to this, he will send Joe to jail for 10-15 years. He says that Joe’s parents may even go to jail if they can’t pay for all of the damage.

Terrified, Joe takes the blame for all of the vandalism. He gives a false confession, claiming to have been the mastermind being the vandalism, and claiming that none of his friends were even involved – that he did it all himself. As a result, Joe’s friends are acquitted. Joe, on the other hand, is convicted and given a much harsher sentence than he otherwise would have received.

DISCUSSION QUESTIONS

• What amendment does this scenario address and what makes you think this?
• Explain your understanding of the Fifth Amendment.
• What is your understanding of “Miranda rights?” Obviously, what Joe did was not right, but how were his Fifth Amendment rights violated?
• Why was the police officer’s conduct unconstitutional?
• Under what circumstances might the police been able to ask Joe questions?
• What systems does our country have in place to ensure that scenarios like what happened to Joe don’t happen or are addressed if they do happen? Do you feel these systems are effective? Explain.
• Why is it important for you to understand the rule of law and the rights afforded to you?
• What consequences might we face if we are unaware of the Bill of Rights?
Cardinal High School’s biggest home basketball game of the year was coming up on Saturday against their arch rival team, Tar Heel High School. There was a lot of speculation regarding which team would win this year. Cardinal had some great players, namely William Smith, Cardinal’s 17-year-old senior point guard and Tyrone Johnson, a 16-year-old junior with a sweet outside long shot. However, everyone knew that Tar Heel had a new heavy shooter as one of its forwards: Anthony Manley. It was also well known that Anthony was being recruited by all three of North Carolina’s NCAA colleges and several scouts would be at the game to watch Anthony play. The pressure was on.

Matthew Squelcher, a senior at Cardinal High, was in charge of running the school’s concession stand. While Matthew was a loner and not very popular with his Cardinal High classmates, he had been friends with Anthony from Tar Heel High since they were kids. On Thursday, two days before the big game, Matthew informed the principal of Cardinal High that the concession stand had been burglarized. The door had been jimmed open and $12.00 worth of drinks, chocolate candy bars and chips were stolen. In addition, there was about $35 dollars of damage to the countertop inside the stand. Matthew also told the principal that he saw William and Tyrone on their way to practice on Wednesday, the day before the burglary, and that they had tried to get him to let them into the concession stand for free candy. Matthew said he declined, but that this morning he saw Tyrone passing out candy to his friends. Matthew said that is when he went to check the concession stand and discovered the break in.

Tyrone and William denied taking the candy, but the principal suspended them anyway for three days. They were not allowed to play in the game against Tar Heel, and Cardinal High lost badly. In addition, the police were called and based on Matthew’s eyewitness account of him handing out candy, they decided to charge Tyrone with misdemeanor breaking and entering, misdemeanor larceny, and damage to property.

About a week after charges were made, Lesley Waring, an upper classman at Cardinal High, finally heard the news. She immediately reported to the police that she had overheard Matthew talking on his cell phone at the school on the Monday after the big game. She couldn’t hear the other end of the conversation, but Matthew was saying: “I’m happy for you Anthony. I knew ya’ll could do it, particularly with Tyrone and William out of the way. Yeah, I told ‘em. I’ll have to go to court now. It’s cool. You’re the only friend I have. Hey man, you think you can get me free tickets to see you play next year?” She told the police that Matthew and Anthony Manley were friends and that the call sounded suspicious.

Tyrone was given a court appointed attorney. The criminal case was continued by the State several times despite Tyrone’s request for a speedy trial. It has now been a year and a half since charges were brought. The jury trial has finally been set for next week and the Judge has indicated that there will be no more continuances. Unfortunately, given the year and a half delay, Lesley is now unavailable to testify for Tyrone regarding the phone call she heard Matthew make since she is studying abroad and unreachable.

Because of the pending charges, Tyrone was not recruited by the NCAA colleges for scholarships. Without the financial means, he is taking classes at the local community college.

**DISCUSSION QUESTIONS**

- What amendment does this scenario address and what makes you think this?
- Explain your understanding of the Sixth Amendment.
- The 6th Amendment guarantees the right to a speedy trial. Why do you think this was deemed important?
- Speedy Trial was designed to prevent oppressive incarceration; minimize anxiety and concern of the accused and to limit the possibility that the defense will be impaired. Why are these issues of concern for the Courts? Which of these should carry the most weight?
• If a trial is delayed, our courts have applied a balancing test analysis weighing 4 factors: (1) the length of the delay, (2) the reason for the delay, (3) the defendant’s assertion of the right to a speedy trial, and (4) prejudice resulting from the delay. What kind of prejudices should the Court consider?
• If there is a violation of the right to speedy trial, what kind of remedy should the Court give?
• What kinds of protections would you expect to see in the criminal court system to address and minimize these issues?
• The 6th Amendment also guarantees the right to confront and cross-examine the witnesses against you. Does Lesley’s unavailability bear on Tyrone’s ability to confront and cross-examine the witnesses against him? Why or why not?
• Why is it important for you to understand the rule of law and the rights afforded to you?
• What consequences might we face if we are unaware of the Bill of Rights?
Bill of Rights Scenarios

EIGHTH AMENDMENT

Cruel & Unusual Punishment

Jessica was running for Student Body President of City of Oaks High. Her opponent was Jamal, her sworn enemy who had beaten her for Student Body Treasurer the year before. The rivalry between Jessica and Jamal was well known, and Jessica was willing to do whatever it took to beat him in the election for president.

Jessica decided that she needed an edge to win. That year, everyone at school was obsessed with Jose McGorrin, the singer from the City of Oaks who had recently won the nationally televised talent contest The Crooner. Jessica decided to offer free copies of Jose’s latest recording to people who visited the booth she had set up to support her candidacy. Jessica purchased a copy of the CD, downloaded it to her computer, and made 500 copies which she handed out at her booth.

Jessica’s music promotion was a big success, and she won the student body election by a landslide. However, Jessica’s victory did not sit well with Jamal, who promptly made a complaint about Jessica’s actions to a record industry official who was a friend of his parents. The official promptly notified the local authorities, who arrested Jessica and charged her with a criminal violation of the U.S. copyright statute.

Jessica was shocked by her arrest. Since she had recently attended a party with her parents at which the hosts gave out “mix” CD’s as party favors, she was under the mistaken impression that there was nothing wrong with copying a CD so long as (1) you purchased the initial copy rather than downloading it from the internet and (2) you did not sell the copies for a profit.

Her arrest enlightened Jessica to the fact that it was wrong to distribute hundreds of copies of the CD, so she pled guilty to the charge without consulting a lawyer. She figured the court would understand that she’d made an ignorant mistake. She didn’t know that in response to complaints from the record industry about piracy, the copyright statute had been recently amended to provide that anyone who infringed copyright by distributing copyrighted works that have a commercial value of more than $1000 was guilty of a felony, punishable by up to 50 years in prison.

When appearing before the judge, Jessica apologized and explained that she had made a mistake in an effort to win an election and that she had learned her lesson. She promised to never distribute unauthorized copies of music again now that she understood the law. The judge, who was suffering from a horrible toothache, stated that the youth these days needed to be taught a lesson that stealing is stealing, and making copies of CD’s is just as bad as breaking and entering and stealing actual CD’s. He gave Jessica a life sentence.

DISCUSSION QUESTIONS

• What Amendment does this scenario address?
• What is your understanding of the Eighth Amendment?
• Do you believe that Jessica did something wrong for which she deserved punishment? Explain.
• What is your opinion of the particular punishment that was handed down? Was the decision to impose a life sentence “cruel and unusual”? Why? What would be a more appropriate punishment for her misconduct?
• What criteria should be used to determine what penalties are appropriate for particular crimes?
• Jessica was 17 years old at the time of her arrest. Do you believe that certain punishments violate the 8th Amendment when applied to minors but not when applied to adults? Explain.
• Why is it important for you to understand the rule of law and the rights afforded to you?
• What consequences might we face if we are unaware of the Bill of Rights?
RELAX, MISS BORDEN, I'M AN EXCELLENT LAWYER. WE'VE SUFFERED A FEW BUDGET CUTBACKS IN THE PUBLIC DEFENDER'S OFFICE BUT YOU'LL GET COMPETENT REPRESENTATION.

DID PERRY MASON EVER WEAR A BARREL INTO COURT?
Bill of Rights Hypothetical’s

Directions: Read the following hypothetical situations and decide whether each one contains a violation of the Bill of Rights. For each, circle violation or no violation and then write the number of the amendment and the appropriate phrases from the amendment that relate to the situation.

1. A 20-year-old college student starts his own newspaper, which often prints articles making fun of the local mayor. The mayor is angry and gets his aides to take the papers off the stand before they can be distributed.

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<th>Violation</th>
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2. A woman is being tried for murder. The prosecuting attorney forces her to take the stand and testify.

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3. A student wears a button to school urging people to vote for a certain candidate for President of the United States. Some other students don't like the candidate and ask the principal to force the student to take off the button. The principle refuses to tell the student to remove the button.

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4. A dentist is being sued for $500,000. He wants a jury to hear the case but the judge refuses his request.

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5. A young woman is being tried for treason. She is accused of selling plans for building a nuclear weapon to Iran. The judge believes it would be dangerous to let the public hear her ideas. He refuses to allow anyone to view the trial.

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6. A group of teenagers gather quietly on a street corner. Neighbors complain and ask the police to arrest them for getting together as a group. The police refuse.

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7. A town needs more land to build a new elementary school. A woman's property is needed but she wants to keep it. The town forces her to sell and gives her twice the property's actual value. She sues to get her land back.

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8. The government tries a man for murder and loses the case. A jury says he is innocent. The district attorney who prosecuted the case is mad and promises to keep trying him until they get a jury to convict him. The defendant thinks this is unfair.

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9. The Postmaster General of the United States has a cross and a nativity scene installed at all Post Offices throughout the country during Christmas time. Government funds are being used to purchase the cross and nativity scene. The mayor of a predominantly Jewish town demands that the cross and nativity scene be removed from her town.

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10. A man living on a quiet residential street erects a giant billboard on his front lawn. The billboard has neon lights advertising a new breakfast cereal that the man invented. The city has zoning laws against this type of sign in a residential neighborhood and demands that it be removed.

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Answer Key: Bill of Rights Hypothetical’s

1. **IS** a violation of the student’s First Amendment right to free press.

2. **IS** a violation of the woman’s Fifth Amendment right protecting herself from self-incrimination.

3. **IS NOT** a violation. The principal behaved in a constitutional manner by refusing to violate the student’s First Amendment right of speech (wearing a political button is considered political speech protected by the First Amendment). If the principal believed the button could cause a riot or seriously disrupt the school, the principal could prevent the student from wearing the button.

4. **IS** a violation. The seventh Amendment guarantees the right to a jury trial if requested in civil cases where the value in controversy exceeds $20.00.

5. **IS** a violation. The Sixth Amendment guarantees the right to a public trial.

6. **IS NOT** a violation. The police were upholding the teenagers First Amendment right to assemble when they refused to arrest the teenagers for standing on the street corner. However, if the group was blocking access to a store or house, police have the right to remove them.

7. **IS NOT** a violation. The fifth Amendment allows the government to take private property for public use, as long as the owner receives a fair price (called compensation of property).

8. **IS** a violation. The Fifth Amendment prohibits a person from being tried twice for the same crime.

9. **IS** a violation of the First Amendment which forbids the government from establishing a religion.

10. **IS NOT** a violation of the First Amendment. This type of zoning law is constitutional. Local governments have the right to enact reasonable zoning ordinances.
Mary Beth and John Tinker
Sample Test Questions

1. Which reason **best** explains why Anti-Federalists agreed to the ratification of the U.S. Constitution?
   
   A. they were convinced by the Federalists that a stronger national government was needed  
   B. the inclusion of a Bill of Rights  
   C. they feared civil war would erupt if the new government could not quickly agree  
   D. Anti-Federalists understood that appearing weak to Britain would put the country in danger

2. Which factor has made the strongest contribution to the development of religious freedom in the United States?
   
   A. Most citizens have shared the same religious beliefs.  
   B. Religious groups have remained politically unified.  
   C. School prayer has been ruled constitutional by the Supreme Court.  
   D. Guarantees in the Constitution have encouraged religious expression and toleration.

3. “The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.” -Justice Oliver Wendell Holmes

Which interpretation of the Bill of Rights does this statement illustrate?

   A. The needs of the government are more important than civil liberties.  
   B. Constitutional protections of liberty are not absolute.  
   C. The Supreme Court can eliminate freedoms listed in the Bill of Rights.  
   D. The Bill of Rights does not safeguard individual liberties.

4. An example of the unwritten constitution in the United States is the

   A. right of citizens to vote if they are 18 years old or older  
   B. right to freedom of speech  
   C. rise of the two-party political system  
   D. protection against cruel and unusual punishment

5. Which action would be necessary before the government could deny a person a public trial by an impartial jury?

   A. a national referendum  
   B. passage of a law by Congress  
   C. a unanimous ruling by the Supreme Court  
   D. ratification of a constitutional amendment

6. **Amendment X**: The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

According to this amendment, which of the following statements is correct:

   A. States have the power to determine their own supreme laws, regardless of the Constitution, for their citizens to follow.  
   B. The Constitution determines all legal issues in the United States.  
   C. The governmental powers not noted in the Constitution are powers that the states, or the people of those states, have.
D The governmental powers not noted in the Constitution or addressed by the states are illegal.

7. During the debates over the ratification of the United States Constitution, Federalists and Anti-Federalists disagreed most strongly over the
   A division of powers between the national and state governments
   B provision for admitting new states to the Union
   C amendments to be included in the Bill of Rights
   D method of amending the Constitution

8. Which idea is illustrated by the Supreme Court cases Schenck v. United States and Korematsu v. United States?
   A The free speech rights of Communists have often been violated.
   B During wartime, limitations on civil rights have been upheld by judicial action.
   C The rights of protestors have been preserved even in times of national stress.
   D Economic interests of foreign nations are frequently upheld in United States courts.

9. The decisions of the United States Supreme Court in Miranda v. Arizona, Gideon v. Wainwright, and Escobedo v. Illinois all advanced the
   A voting rights of minorities
   B guarantees of free speech and press
   C principle of separation of church and state
   D rights of accused persons

10. The police enter an individual’s home without invitation or a warrant and seize evidence to be used against the individual. Which amendment in the Bill of Rights has been violated in this scenario?
    A First Amendment
    B Fourth Amendment
    C Eighth Amendment
    D Fourteenth Amendment

11. The Supreme Court cases of Tinker v. Des Moines and New Jersey v. TLO involved the issue of
    A freedom of the press
    B the rights of students in school
    C freedom of religion
    D the rights of prison inmates

12. A same-sex couple goes to the North Carolina magistrate to be married but the magistrate turns them away and refuses to perform a marriage, citing same-sex marriage as illegal. Has the couple’s rights been violated according to the Bill of Rights?
    A No: The Bill of Rights does not address the rights of homosexuals, thus same-sex marriage is a state issue.
    B Yes: The Bill of Rights guarantees freedom of speech and expression, thus the magistrate was breaking the law by not marrying the couple.
    C Yes: The Bill of Rights protects all citizens from harassment and legally, the magistrate’s refusal to marry the couple warrants harassment.
    D No: The Bill of Rights only protects marriage between a man and a woman and does not protect marriage between same-sex couples.
Answer Key

1. B
2. D
3. B
4. C
5. D
6. C
7. A
8. B
9. D
10. B
11. B
12. A
Bill of Rights Socratic Seminar

Possible Opening Questions:

- Think of a time when you believe that one of your rights was violated. How did you feel?
- What word or phrase comes to mind when you hear the word “rights”?
- If you could write a “Bill of Rights” for students, name one right that you would include.

Possible Core Questions:

- Which of the amendments in the Bill of Rights do you consider the most important and why? Which amendment do you feel is least important and why?
- What changes should be made to the Bill of Rights? If you could add another amendment, what would it be and why?
- Why do you think certain Founding Fathers insisted on a Bill of Rights when the first Constitution was created? Infer why these particular amendments were chosen by them.
- Let’s focus on the First Amendment (have a student read it). Are there times when you feel you do not have these freedoms granted by the First Amendment? Explain.
- Evaluate our current society in upholding the Bill of Rights. Do you feel most people are treated fairly and able to exercise their rights? In what ways are people’s rights sometimes violated and why? What paths of recourse do we have when our rights are violated?
- (Gather current event topics involving the violation or upholding of the Bill of Rights and create relevant questions to connect).
  *Evaluate the Patriot Act. How does it violate or protect our rights?
  *Should the Bill of Rights apply to prisoners of war? Why/why not? (connect to events at Abu Ghraib Prison)

Possible Closing Questions:

- How is the Bill of Rights important or applicable to you as an individual?
- What responsibilities do we have as citizens to ensure our rights are upheld?
Your Group’s Definition: ____________________________________________
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